

AMENDED IN SENATE JULY 2, 2012
AMENDED IN ASSEMBLY JANUARY 11, 2012
AMENDED IN ASSEMBLY JANUARY 4, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 801

Introduced by Assembly Member Swanson

February 17, 2011

An act to amend ~~Sections 829.5 and~~ *Section* 830.7 of the Penal Code, relating to code enforcement officers.

LEGISLATIVE COUNSEL’S DIGEST

AB 801, as amended, Swanson. Code enforcement officers.

Existing law defines “code enforcement officer” to mean specified persons employed by any governmental subdivision, public or quasi-public corporation, public agency, public service corporation, any town, city, county, or municipal corporation, whether incorporated or chartered, who have enforcement authority for health, safety, and welfare requirements, and whose duties include enforcement of any statute, rules, regulations, or standards, and who are authorized to issue citations, or file formal complaints. The term also refers to any person who is employed by the Department of Housing and Community Development who has enforcement authority for health, safety, and welfare requirements relating to housing, as specified.

Existing law provides that “illegal dumping enforcement officers” who are employed full time, part time, or as volunteers after completing prescribed training by a city, county, or city and county, and who are designated by local ordinance as public officers, are not peace officers but may exercise the powers of arrest of a peace officer, as specified,

during the course and within the scope of their employment, if they successfully complete a specified course in the exercise of those powers.

This bill would delete references to “illegal dumping enforcement officers” and would instead authorize a code enforcement officer, as specified, to exercise the powers of arrest of a peace officer in the manner described above.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 ~~SECTION 1. Section 829.5 of the Penal Code is amended to~~
2 ~~read:~~

3 ~~829.5. (a) “Code enforcement officer” means any person who~~
4 ~~is employed by any governmental subdivision, public or~~
5 ~~quasi-public corporation, public agency, public service corporation,~~
6 ~~any town, city, county, or municipal corporation, whether~~
7 ~~incorporated or chartered, who has enforcement authority for~~
8 ~~health, safety, and welfare requirements, whose duties include~~
9 ~~enforcement of any statute, rule, regulation, or standard, and who~~
10 ~~is authorized to issue citations, or file formal complaints.~~

11 ~~(b) “Code enforcement officer” also includes any person who~~
12 ~~is employed by the Department of Housing and Community~~
13 ~~Development who has enforcement authority for health, safety,~~
14 ~~and welfare requirements pursuant to the Employee Housing Act~~
15 ~~(Part 1 (commencing with Section 17000) of Division 13 of the~~
16 ~~Health and Safety Code); the State Housing Law (Part 1.5~~
17 ~~(commencing with Section 17910) of Division 13 of the Health~~
18 ~~and Safety Code); the Manufactured Housing Act of 1980 (Part 2~~
19 ~~(commencing with Section 18000) of Division 13 of the Health~~
20 ~~and Safety Code); the Mobilehome Parks Act (Part 2.1~~
21 ~~(commencing with Section 18200) of Division 13 of the Health~~
22 ~~and Safety Code); and the Special Occupancy Parks Act (Part 2.3~~
23 ~~(commencing with Section 18860) of Division 13 of the Health~~
24 ~~and Safety Code).~~

25 ~~SEC. 2.~~

26 ~~SECTION 1. Section 830.7 of the Penal Code is amended to~~
27 ~~read:~~

28 ~~830.7. The following persons are not peace officers but may~~
29 ~~exercise the powers of arrest of a peace officer as specified in~~

1 Section 836 during the course and within the scope of their
2 employment, if they successfully complete a course in the exercise
3 of those powers pursuant to Section 832:

4 (a) Persons designated by a cemetery authority pursuant to
5 Section 8325 of the Health and Safety Code.

6 (b) Persons regularly employed as security officers for
7 independent institutions of higher education, recognized under
8 subdivision (b) of Section 66010 of the Education Code, if the
9 institution has concluded a memorandum of understanding,
10 permitting the exercise of that authority, with the sheriff or the
11 chief of police within whose jurisdiction the institution lies.

12 (c) Persons regularly employed as security officers for health
13 facilities, as defined in Section 1250 of the Health and Safety Code,
14 that are owned and operated by cities, counties, and cities and
15 counties, if the facility has concluded a memorandum of
16 understanding, permitting the exercise of that authority, with the
17 sheriff or the chief of police within whose jurisdiction the facility
18 lies.

19 (d) Employees or classes of employees of the California
20 Department of Forestry and Fire Protection designated by the
21 Director of Forestry and Fire Protection, provided that the primary
22 duty of the employee shall be the enforcement of the law as that
23 duty is set forth in Section 4156 of the Public Resources Code.

24 (e) Persons regularly employed as inspectors, supervisors, or
25 security officers for transit districts, as defined in Section 99213
26 of the Public Utilities Code, if the district has concluded a
27 memorandum of understanding permitting the exercise of that
28 authority, with, as applicable, the sheriff, the chief of police, or
29 the Department of the California Highway Patrol within whose
30 jurisdiction the district lies. For the purposes of this subdivision,
31 the exercise of peace officer authority may include the authority
32 to remove a vehicle from a railroad right-of-way as set forth in
33 Section 22656 of the Vehicle Code.

34 (f) Nonpeace officers regularly employed as county parole
35 officers pursuant to Section 3089.

36 (g) Persons appointed by the Executive Director of the California
37 Science Center pursuant to Section 4108 of the Food and
38 Agricultural Code.

39 (h) Persons regularly employed as investigators by the
40 Department of Transportation for the City of Los Angeles and

1 designated by local ordinance as public officers, to the extent
2 necessary to enforce laws related to public transportation, and
3 authorized by a memorandum of understanding with the chief of
4 police, permitting the exercise of that authority. For the purposes
5 of this subdivision, “investigator” means an employee defined in
6 Section 53075.61 of the Government Code authorized by local
7 ordinance to enforce laws related to public transportation.
8 Transportation investigators authorized by this section shall not
9 be deemed “peace officers” for purposes of Sections 241 and 243.

10 (i) Persons regularly employed by any department of the City
11 of Los Angeles who are designated as security officers and
12 authorized by local ordinance to enforce laws related to the
13 preservation of peace in or about the properties owned, controlled,
14 operated, or administered by any department of the City of Los
15 Angeles and authorized by a memorandum of understanding with
16 the Chief of Police of the City of Los Angeles permitting the
17 exercise of that authority. Security officers authorized pursuant to
18 this subdivision shall not be deemed peace officers for purposes
19 of Sections 241 and 243.

20 (j) Code enforcement officers, to the extent *necessary to enforce*
21 *laws related to illegal waste dumping or littering, and* authorized
22 by a memorandum of understanding with, as applicable, the sheriff
23 or chief of police within whose jurisdiction the person is employed,
24 permitting the exercise of that authority. A “code enforcement
25 officer” ~~refers to~~ *is defined*, for purposes of this section, *as a person*
26 *employed full time, part time, or as a volunteer after completing*
27 *training prescribed by law, by a city, county, or city and county,*
28 *whose duties include illegal dumping enforcement and who is*
29 *designated by local ordinance as a public officer and who performs*
30 ~~the duties described in Section 829.5.~~ A code enforcement officer
31 *may also be a person* who is not regularly employed by a city,
32 county, or city and county, but who has met all training
33 requirements and is directly supervised by a regularly employed
34 code enforcement officer *conducting illegal dumping enforcement.*
35 *This person* shall not have the power of arrest or access to summary
36 criminal history information pursuant to this section. No person
37 may be appointed as a code enforcement officer if that person is
38 disqualified pursuant to the criteria set forth in Section 1029 of
39 the Government Code. Persons regularly employed by a city,
40 county, or city and county designated pursuant to this subdivision

1 may be furnished state summary criminal history information upon
2 a showing of compelling need pursuant to subdivision (c) of
3 Section 11105.

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